

CHAPTER NO. 617

HOUSE BILL NO. 3582

By Representatives Lois DeBerry, Mike Turner, Sherry Jones, Langster, Brown, Favors, Marrero, Pruitt, Curtiss, Sontany, McDonald, Maggart, Lynn, Casada, Davidson, John DeBerry, Cochran, McMillan, Fitzhugh, Shaw, Ulysses Jones, Maddox

Substituted for: Senate Bill No. 3547

By Senators McNally, Burks, Harper, Herron, Williams, Black, Finney

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 68, relative to breastfeeding.

WHEREAS, The American Academy of Pediatrics recommends breastfeeding exclusively for the first six months of an infant's life and continuing with other forms of nutrition for at least the first twelve (12) months of an infant's life and as long thereafter as is mutually desired; and

WHEREAS, The American Academy of Pediatrics has continuously endorsed breastfeeding as the optimal form of nutrition for infants and as a foundation for good feeding practices; extensive research indicates that there are diverse and compelling advantages to breastfeeding for infants, mothers, families, and society; and

WHEREAS, Epidemiologic research shows that breastfeeding of infants provides benefits to their general health, growth, and development and results in significant decreases in risk for numerous acute and chronic diseases; and

WHEREAS, Research in developed countries provides strong evidence that breastfeeding decreases the incidence and severity of diarrhea, lower respiratory infection, otitis media, and urinary tract infection; and

WHEREAS, Research studies have also shown that human milk and breastfeeding have possible protective effects against the development of a number of chronic diseases, including allergic diseases and some chronic digestive diseases; in addition, human milk and breastfeeding may prevent obesity; and

WHEREAS, Breastfeeding has been related to the possible enhancement of cognitive development; and

WHEREAS, Breastfeeding has been shown to have numerous health benefits for mothers, including an earlier return to prepregnant weight, delayed resumption of ovulation with increased child spacing, improved bone remineralization postpartum with reduction in hip fractures in the postmenopausal period, and reduced risk of ovarian cancer and premenopausal breast cancer, as well as increased levels of oxytocin, resulting in less postpartum bleeding and more rapid uterine involution; and

WHEREAS, In addition to individual health benefits, breastfeeding results in substantial benefits to society, including reduced health care costs, reduced environmental

damage, reduced governmental spending on the women, infants, and children supplementary feeding programs, and reduced employee absenteeism for care attributable to infant illness; and

WHEREAS, Breastfeeding is a basic and important act of nurturing that should be encouraged in the interests of maternal and infant health; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following language as a new chapter 58 thereto:

§68-58-101.

A mother has a right to breastfeed her child who is twelve (12) months of age or younger in any location, public or private, where the mother and child are otherwise authorized to be present.

§68-58-102.

The act of breastfeeding shall not be considered:

- (1) Public indecency as defined in §39-13-511; or
- (2) Nudity, obscene, or sexual conduct as defined in §39-17-901.

§68-58-103.

A unit of local government shall not prohibit breastfeeding in public by local ordinance.

SECTION 2. Tennessee Code Annotated, Section 39-13-511, is amended by adding the following language as a new, appropriately designated subsection:

(c) The provisions of this section do not apply to a mother who is breastfeeding her child who is twelve (12) months of age or younger in any location, public or private.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 20, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 4th day of May 2006


PHIL BREDESEN, GOVERNOR